



PATENT  
ATTORNEY DOCKET NO.: 046601-5115

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:	)	Confirmation No.: 9498
	)	
Keiichi MIKAMI	)	Group Art Unit: 2872
	)	
Application No.: 10/682,082	)	Examiner: J. Phan
	)	
Filed: October 10, 2003	)	
	)	
For: OPTICAL DEFLECTOR AND OPTICAL	)	
SCANNER HAVING THE OPTICAL	)	
DEFLECTOR	)	

Commissioner for Patents  
U.S. Patent and Trademark Office  
Alexandria, VA 22314

Sir:

**RESPONSE TO ELECTION/RESTRICTIONS REQUIREMENT**


In response to the election/restriction requirement set forth in the Office Action mailed May 24, 2005, the period for reply to which has been extended to July 24, 2005, by a petition for a one-month extension of time filed concurrently herewith, Applicant elects the invention defined by the Examiner as Specie I, corresponding to FIGs. 1-4 and claims 1, 2, and 9, for examination on the merits.

Except for issue fees payable under 37 C.F.R. §1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310.

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**

Dated: July 12, 2005

By:   
David B. Hardy  
Reg. No. 47,362

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For: OPTICAL DEFLECTOR AND OPTICAL	)	Mail Stop Amendment
SCANNER HAVING THE OPTICAL	)	
DEFLECTOR	)	

The Commissioner of Patents  
Arlington, VA 22202  
**Mail Stop Amendment**  
Alexandria, VA 22314

Sir:

**RESPONSE TRANSMITTAL FORM**

- Transmitted herewith is a Response to Election/Restrictions Requirement responding to the final Office Action dated May 24, 2005.
- Additional papers enclosed:
  - ☐ Drawings: ☐ Formal ☐ Informal (Correction)
  - ☐ Information Disclosure Statement
  - ☐ Form PTO-1449, \_\_\_\_\_ references included
  - ☐ Citations
  - ☐ Declaration of Biological Deposit
  - ☐ Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.

07/14/2005 HALI11 00000074 500310 10602082  
01 FC:1251 120.00 DA

3. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

- ☐ Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.
- ☒ Applicant petitions for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

<u>Total Months Requested</u>	<u>Fee for Extension</u>	<u>[Fee for Small Entity]</u>
<input checked="" type="checkbox"/> one month	\$ 120.00	\$ 60.00
<input type="checkbox"/> two months	\$ 450.00	\$ 225.00
<input type="checkbox"/> three months	\$ 1,020.00	\$ 510.00
<input type="checkbox"/> four months	\$ 1,590.00	\$ 795.00

Extension of time fee due with this request: **\$ 120.00.**

If an additional extension of time is required, please consider this a Petition therefor.

- ☐ An extension for \_\_\_\_ months has already been secured and the fee paid therefor of \$\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

4. Constructive Petition

- ☒ EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).

5. Fee Calculation (37 C.F.R. §1.16)

CLAIMS AS AMENDED						
	Claims Remaining After Amendment		Highest No. Previously Paid	Present Extra	at Rate of	Total Fees
Total Claims (37 C.F.R. §1.16(c))	12	minus	20	0	x \$50 each=	+ \$
Independent Claims (37 C.F.R. §1.16(b))	6	minus	6	0	x \$200 each=	+ \$
[ ] First presentation of Multiple dependent claim(s)					\$360.00	+ \$
SUB-TOTAL =						\$
Reduction by ½ for filing by a small entity						- \$
TOTAL FEE =						\$ 0.00

6. Fee Payment

- ☐ No fee is to be paid at this time.
- ☒ The Commissioner is hereby authorized to charge **\$120.00** for the one-month extension of time fee due to Deposit Account No. 50-0310.
- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 C.F.R. §§ 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0310.

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**Dated: July 12, 2005By: David B. Hardy  
Reg. No. 47,362

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